

8th February 1924] [Mr. A. Ranganatha Mudaliyar]

so to speak, into a compliance with his request. I wish he had not done so. But, at the sametime, I have always been of the opinion, and I still continue to be of that opinion, that the Settlement Officers deserve a certain consideration for the nature of work they are doing. These officers are drawn from the cadre of Deputy Collectors, and any one who knows their work in detail would be able to say at once and without any hesitation that their work is certainly more difficult, more exacting, and, if I may say so, costing them more than is the case with the ordinary Deputy Collectors. These people have not the same conveniences and facilities for work as their brother officers have in the Revenue department, and I do think that, considering the nature of their work, they are entitled to the allowance for which the Supplementary Demand is made in this House. After all, while this House is helpless, so to speak, so far as members of the higher services are concerned, it so happens that it is very hard on the members of the Provincial Service. And they are not particularly a covetous lot. In the evidence they gave before the Public Services Commission, they have shown themselves to be Indians first and anything else afterwards. I think no discrimination should be made against them more particularly in view of the services which we cannot touch. Taking all these into consideration, I submit that these officers should be given the allowance for which this Supplementary Grant is asked."

Mr. R. VEERIAN :—"Before I begin, I may assure you, Sir, that I am not a pessimist. I am going to make only a short speech (laughter). But it will be very interesting (loud laughter), enthusiastic and full of sense ('hear, hear' and cheers). Sir, if I remember right, these Deputy Collectors are composed of Indians only. For Collectors and Sub-Collectors, who are all Indian Civil Service officers, we pay special allowance for such kind of work. I do not know, Sir, the reason why we should be against paying the special allowance to these Deputy Collectors who are deputed to look after special work. Therefore, Sir, I am in sympathy with this motion, and I strongly support it. I know that all my hon. Friends will come forward and support this motion. With these few remarks, I request the House to pass the Grant."

The motion was then put and carried, and the Grant was made.

IV

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

LEVY OF A FEE ON LANDS TO BE INCLUDED IN THE AYACUT REGISTERS.

In the absence in his seat of the hon. Member Mr. P. Peddiraju, the hon. Member Mr. J. D. SAMUEL, with the leave of the House, moved the following resolution :—

That this Council recommends to the Government that Notification No. 451, dated 9th December 1920, published in the 'Kistna District Gazette' for levying a fee on lands to be included in the ayacut registers should be cancelled.

In doing so he said :—"Mr. President, Sir, I thank this hon. House for their courtesy in allowing me to move this motion on behalf of the ryots of the Kistna district. It may be of some interest to the hon. Members of this House to know a little of the notification adverted to in the Resolution. It is this, and I shall give it very shortly.

[Mr. S. Satyamurti]

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Rs. 990'. When no amount at all is sanctioned, they cannot really come afterwards and ask for an excess or a supplementary grant. Then the second clause is this :

'(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.'

"*A fortiori* this Demand does not come under that clause. This is not a new service not contemplated in the Budget, but this is a service for which the House did not agree to make any provision. Therefore, this is not a demand for a supplementary grant as defined under Rule 32 of the Legislative Council Rules.

"Then, Sir, Rule 31 refers only to 'Excess Grants' where money has been spent in excess of the amount granted. That has not been done. If you will now turn to Rule 26, you will find this :

'26. (1) A separate demand shall ordinarily be made in respect of the Grant proposed for each department of the Government, provided that the Finance Member may in his discretion include in one Demand Grants proposed for two or more departments, or make a Demand in respect of expenditure such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.

'(2) Each Demand shall, contain, first, a statement of the total Grant proposed, and then a statement of the detailed estimate under each Grant divided into items.'

"Therefore, this must have been presented either as a separate Demand for a Grant, or as a separate item under a major Grant. I do not know how it was proposed, but whatever it was, it was proposed either as a Demand for a Grant as a major head, or as a Demand for an item under a major head. In any case, it was rejected by the House. I therefore submit that except under the extraordinary powers vested in the Governor, or by the Executive re-appropriating the money and then coming to this House through the Public Accounts Committee, they cannot move for the Grant when no amount was voted in the Budget, or when no new service is contemplated and when the item was once rejected by the House. Therefore, I submit, Sir, that this Demand is wholly out of order."

Rao Bahadur C. V. S. NARASIMHA RAJU :— "I want to draw your attention, Sir, and through you, the attention of the hon. the Law Member to the words :

'the amount voted in the Budget of a Grant is found to be insufficient for the purposes of the current year'

contained in Rule 32 (1) (i) of the Legislative Council Rules.

3-15 p.m. "Sir, my submission is this : my interpretation of the expression 'for the purposes of the current year' is that it includes the whole list of the Budget items. All the items that are mentioned there do indicate the purposes for which the Grant has to be spent. Every item of the Budget is indicated or denoted by the use of the words 'for the purposes of the current year.' Any item which was rejected by this House ceased to be a purpose for which the Grant was to be utilized. Here, when this House has rejected the duty allowance of the Settlement Officers, that purpose ceased to be one of the purposes of the Grant, and therefore it cannot under any pretext come under the first portion of the Rule and it cannot also come under the second portion because it is not a new item or a new purpose."

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Rs. 1,000 per acre. The hon. Members who had heard the debate on it in the Council would now see that it is not at all true. The best wet land in the Kistna is not worth more than Rs. 1,000 or Rs. 1,500. In Tanjore and other places it is even so high as Rs. 3,000 or Rs. 4,000 per acre. But these lands in the Kistna are near the sea and the officers who have been in the Kistna district know that these lands could not be cultivated dry at all and the only way of cultivating them was by immediately allowing the Kistna water to pass through them and that it would take a long time before the lands can be made useful. First of all, for some years they should have the water flowing on the land and then it would have to be well manured and many other things have got to be done before it can be sold, if anybody is prepared to sell it at all. The land there is valueless; but, in order to make it valuable, it would take a number of years and would involve a lot of trouble and a lot of expenditure. But all these years the poor man would have to be paying a regular assessment. This Rs. 25 is a fee to be paid to the Government, something like 'Nazrana' demanded by the zamindars, towards the inclusion of the land in the ayacut registers, and even the Bill that was introduced yesterday could not make it legal. It is not to be paid towards anything that was done for the land but for paying the officers and the Engineers that were employed in order to do all this duty. This hon. House knows that many engineers were working there and that many special officers were appointed for the purpose of regrouping these blocks. They have come to do this regrouping for all the other taluks and to say that the money might be used for paying them is something that I cannot understand. Is this any new thing for which you want money in order to pay expenses you have incurred? No. It is under the ayacut system and it pays the Government already at the rate of 21 per cent and the expenses could be met from that and there is no reason to ask for a special fund. I think there is no principle in it. The Engineers were employed for other purposes also and there is absolutely no reason, under the circumstances, to ask us to pay anything at all.

"Then again, the levy of Rs. 12-8-0 is bad and is levied on lands which were consecutively cultivated for five years. The word 'consecutively' makes it rather difficult. A bit of land is cultivated with drainage water or with irrigation water not meant for it. Then immediately a penalty of twice or three times the cess or, as it was said yesterday, even twenty times may be levied. Therefore, a man who cultivated for the first year stops cultivation for fear of a higher penalty. He cultivates in the third year and keeps quiet the fourth year lest the penalty should go up in geometrical progression. I may also tell this House that there are certain lands now included which are fertile. But these are lands that are adjoining fertile lands and which extend to only about one acre, or 20 cents or 30 cents. Again it is objectionable that a whole block should be made responsible for the default of a single pattadar. That is rather hard. When there is a question of 100 acres and if one man does not pay, the whole block has to suffer. It was never done before and why should we introduce it now?

3-45 p.m.

If a man whose land is in the middle does not raise a crop, then the whole block is to be excluded. If a man does not pay his regular water-tax, then the whole block is to be excluded. These are things which are real hardships to the ryots. When the hon. Sir Habib-ul-lah Sahib came to our district we represented the whole

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matter to him. Gentlemen of the House may not know the difficulties of the ryots there. People of the Tanjore district may have a very high opinion of our lands. Lands there may be worth more than Rs. 3,000 per acre. But most of these lands are low lands and are not worth more than Rs. 100 or Rs. 150 per acre. Most of these blocks are never cultivated as they are low lands and considered useless. In other countries they bring agricultural experts to make such lands cultivable. On the other hand, these lands are lying idle for so long and are useless. Under the circumstances the ryots must be encouraged to cultivate these lands. This is also one of the best ways for the Government to make some money out of these lands. When Sir Habib-ul-lah came to our district we told him the whole truth and he was prepared to do something to remedy the hardship. As a matter of fact these lands may not fetch Rs. 1,000 even after quarter of a century. Therefore, I have great pleasure in moving this. I hope this House will not consider this as a party question as it is a matter affecting the ryots of the Kistna district. It works very great hardship on the poor people there and it is admitted that at least a fourth of these blocks contains very poor soil. To ask a fee from such lands is not fair. I hope the House will be able to vote for this motion if necessary and I hope the hon. the Law Member will be pleased to accept it."

Rao Bahadur P. C. ETHIRAJULU NAYUDU seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I have listened with considerable interest to what has fallen from my hon. Friend Mr. Samuel. Let me first of all explain the principles on which the system of blocks has been admitted. But before I proceed further with the actual discussion on the matter, let me assure my hon. Friend of two things. Firstly, I am alive to the inconvenience and the difficulty which he has pointed out with reference to the exclusion of what he calls large blocks on account of circumstances affecting small portions of them. If such cases there be I assure my hon. Friend that those cases will be adequately and satisfactorily dealt with because I recognise that this may be a legitimate point of complaint and as a grievance it has substance behind it. That is the first point.

"The second matter that I wish to place before this House for its consideration is this. When my hon. Friend Mr. Peddi Raju gave notice of this motion I requested him to meet me and he did me the honour to meet me in my chambers along with our Chief Engineer. He pointed out as one branch of his argument that the inclusion was incorrect or wrong among other grounds, viz., that the lands hardly suitable for wet cultivation had been included in the ayacuts. It was then suggested to him that if specific cases were brought forward to the notice of the Government in which lands unsuitable for wet cultivation had been so included, the question of their exclusion would be considered and dealt with satisfactorily. To this effect also the Chief Engineer wrote to Mr. Peddi Raju on the 17th of January but no reply has been received. These are the preliminary observations that I wish to make on this matter. The second is more of the nature of a criticism. So far as the first is concerned I have endeavoured to meet my hon. Friend Mr. Samuel half way with regard to a matter on which I recognise that a grievance does exist. Let me after having stated that elucidate the principle on which the whole of this system has been inaugurated. And let me in so doing quote the official records. The chief

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points for guidance were: lands surrounded by or connecting with wet areas should be selected; blocks should be enlarged so as to be made into compact and well-defined areas."

Dr. P. SUBBARAYAN:—"Is the House supplied with the document from which the hon. Member is reading?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is part of the G.O. No. 2303, dated 29th December 1922. I believe it has been placed on the Editors' Table. Perhaps it was not. The Chief Engineer is away at Mysore."

Mr. P. PEDDIRAJU:—"It has not been placed."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I shall not refer to it. But I may say this. In G.O. No. 2361, the Government sanctioned Rs. 25 inclusion fee per acre in respect of all dry lands, subject to the exception that in the case of the eksal lands, lands irrigated on annual permits, it should be Rs. 12-8-0. When the question was discussed in 1919, it was pointed out that one of the modes of arrangement resorted to by ryots whose lands are being excluded from the ayacut is to sell the right to water to other ryots who wish their dry lands or eksal lands to be included in the ayacut. Ryots whose lands were likely to be included in the ayacut were willing to pay a small fee for the privilege as it was felt by the Government that their lands would undoubtedly be enhanced in value by many times the proposed fee. Sir Habib-ul-lah speaking on this matter on the 5th March 1921 said that the question was one of readjustment as to what might well go out of the scheme and what may claim to come under it. We have agreed to compensate for them so far as lands that can claim to come under it are concerned, but submitted that it was open to Government to provide for the compensation. In answer, therefore, to the question propounded by Mr. Samuel as to what the ultimate theory of this was, I wish to say it originated in the way I have sought to elucidate. Then Sir Muhammad toured in October 1921 in the Kistna district and a memorial, a copy of which is placed on the table, was also submitted to him. One of the suggestions made was that lands included were poor and useless and ought not to be charged any inclusion fee. It was then suggested that a general notice may be issued to ryots informing them that all cases of really poor lands which will be useless even as wet and which are not likely to rise in value after conversion into wet may be considered with reference to cancellation of inclusion because it is inadvisable to waste canal water over such lands with no benefit. Then a memorandum was submitted to Sir Habib-ul-lah stating that it was unprecedented and secondly that no recompense was derived. I have made an extract from that memorial. It was pointed out that ryots owning lands proposed for inclusion were encouraged to purchase water-rights attached to lands which were thrown out of the ayacut and it was proved that ryots purchased lands situate at the tail-end of the Narasapur canal at Rs. 60. It was further considered that those who had purchased water-rights from persons to whom compensation would otherwise have been due have a real grievance if they are placed on the same footing as those who have taken no steps to purchase water-rights. The whole question was considered after the return of Sir Muhammad from tour. And the Government arrived at the deliberate

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opinion that there was no ground for cancelling the levy of the fee except in the case of lands to which water-right has been transferred to excluded lands either by sale or exchange. That is the latest order on the subject. The order is dated 29th December 1922.

“These are the main details on this matter and I submit that having regard to the considerations which have been urged all that
4 p.m. has been sought to be done is that the Government have taken the right as well as the duty of collecting from benefited ryots some portion of the enhanced value given to them by this arrangement with regard to the exclusion and the inclusion. As to particular cases of grievance, I have already given my undertaking and to that extent alone can I go at this moment.”

Raj Bahadur Sir K. VENKATAREDDI NAYUDU :—“Mr. President, I take it, Sir, that the Members of this House are aware of the circumstances involved in this hard case. My hon. Friend Mr. Samuel has pointed out the circumstances under which this tax has come to be levied. For, Sir, it is more than a tax. It is, as he called, a *nazarana*. A cess of Rs. 5, or whatever it is, has to be paid year after year after the proposed water is granted. The present proposal of the Government is that in addition to this Rs. 5 or whatever it is per acre, the Government want, in order that they might meet the expenses involved in this enterprise, that the ryots should pay a *nazarana* of Rs. 25 per acre. My submission is that it is both unjust and if the hon. Member would allow me to say, almost illegal. I say it is illegal because the only Act under which the Government could act, the only Act which allows any imposition of cess, is the Act VII of 1865, the Irrigation Cess Act. Under that Act, power is given only to levy a certain rate of cess. I can very well understand if the Government should say ‘Government are now obliged to incur additional expenditure; the existing rate is not sufficient to meet that expenditure and they would raise the rate by 4 annas or 8 annas or a rupee per acre.’ I respectfully submit therefore that the Government is not legally justified in asking for this extra amount.

“Now, Sir, with your permission, I will mention what these lands are. As has been pointed out, these lands are at the tail-end of the canals. Some of these are too low at present and are liable to submersion and therefore are classed as dry. Others are too high and the canal system will not avail them and they will have to take up water to these lands. The third class of lands is what are known as saline lands which require water to be let into them for a number of years and let out so that the saline matter is all taken away. The fourth class of lands are those which are at the very tail-end and it is impossible to bring them under cultivation. Every year they will have to wait until all the lands in the other regions are cultivated and every ryot knows that no cultivation could be of any use unless transplantation has been gone through a long period. Thus all these lands come under these classes. I would draw the attention of the hon. Member in charge of Irrigation to one Government Order which he will find in the records of the Government and which I believe was placed on the Editors’ table—a Government Order which was the result of anxious consideration of the Government under circumstances which arose out of the war. When the war was in progress, this country, like other countries, recognized how small the produce of its land was. Attempts were made to induce people to increase the production.”

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The hon. Mr. C. P. RAMASWAMI AYYAR :—“ There is one matter which I want to mention, which is not exactly by way of personal explanation ; but as the question of the illegality of this levy has been raised—I do not know whether it has been directly raised—may I say that the whole offer of the Government was read out in each village, according to the records in my possession and it was on their acceptance of the inclusion fee that the scheme was inaugurated ? ”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ I thank the hon. Member ; but I am dealing with another point.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes, I know ; I am sorry I have interrupted him at the wrong stage.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ My argument is that there was a time within the last few years when Government endeavoured their best to see that the agricultural produce of this country was increased. As has been said, it was one of those points of wisdom which occur to mankind only under stress of business. During the war, England discovered that her agricultural produce was very small and communications flashed throughout the Empire to say that every part of the Empire should be interested in increasing its natural products, especially food products. Under that stress, this Government examined the conditions of this country and discovered that there were several millions of acres of land in this province not yet brought under cultivation ; and in order to induce the people of this province to bring more land under cultivation, inducements were thrown out and one such inducement was that water would be allowed even through drainage channels for the purpose of irrigation. In fact, it was said that every facility would be afforded to the people of this country in order that they might increase the agricultural produce. Of course, it was a most just and natural course to be taken and we are thankful to the Government for that. Now, my point is that this cess is directly contrary to the principle involved in that decision of the Government. Because there they were trying to induce the people of this province to increase their produce but here they are putting a block in the way of their using the water. They say ‘ unless you pay Rs. 25, we do not allow the water to be taken.’ I submit that that ought not to be the attitude of the Government. Every facility ought to be afforded to the people in order that the production might be increased. Of course, it will be a commonplace latitude to say that increased production means economically more wealth. But when it is seen that after all the water that is given to us is only to be used towards the tail-end of the lands, on lands on which much capital has to be invested before the ryot can take full advantage of the water, I should respectfully submit that Government ought not to impose this tax. It is not only in this connexion that this inducement is thrown out. This ayacut was constructed about 40 years ago. At that time people were not willing to take water for these lands, because after all certain lands were better off as dry lands than when they were cultivated lands. As most of the hon. Members are aware, wet cultivation is fit only for paddy crops, whereas if cotton, chillies, saffron and such other dry crops are raised, they would certainly fetch a much higher price in ordinary times. But still people thought that there would be a certainty of their crop if it was paddy and if water was available.

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Consequently many of the people utilized the water and allowed lands to be irrigated and they paid the cess. At that time when people were hesitating, the Revenue Department, the Irrigation Department, and in fact the whole agency of the Government were busy inducing the people to take the water for their lands in order that the land might yield more produce and consequently the revenue might be increased. Now, Sir, after most of the land had been taken up under this inducement, to say now that we are no longer to be allowed that kind of treatment and water should be paid for, not in the shape of annual cess, but in the shape of an addition of a certain amount of nazarana, is quite unjust.

"I beg to draw the attention of the hon. Member for Irrigation to one other important circumstance and it is this: at the time of the last settlement about the year 1900, a scheme was published in which the principles of the resettlement were given. After the settlement was over, the Government issued also another Government Order in which they said that during that settlement they would class as wet, not only lands which had been registered as wet, but also lands which received water continuously for five years previous to the settlement and that they would consolidate the land-tax with the water-cess and call it a consolidated water-rate. In fact, all the lands registered as wet are of that class. They did not stop there. They added another clause to the effect that thereafter also if for any five years any land received water, they would be very glad to register that land also as wet land. Now, what do we find? There are lands which would come under this rule which have been irrigated for five or ten or even twenty years receiving water no doubt on application, registered, no doubt as dry lands, because they were not registered as wet at the last settlement but which still pay the same rate as the wet lands pay. To say now that those lands should pay $12\frac{1}{2}$ rupees more in the first year, I do not see what justification there is. It is stated that certain engagements have been entered into, that at the time when this proposal was made certain ryots were prepared to exclude their lands because they were also given the privilege of selling their rights to other ryots. Other ryots purchased, no doubt, these rights and were prepared to pay as much as was demanded. But such people were only few in number. We can very well understand that if this right is asked for Rs. 40 or 50, no ryot would sell it. Ask any of the ryots who have got lands in these particular regions to sell their rights even for Rs. 500, I am sure he will not sell it. For my part, if you can take my word, I would not sell my water right even for Rs. 500. If the water right is taken away, my lands will not be worth even Rs. 40, lands which are now worth more than Rs. 1,000 per acre. If the water right is taken, the lands will be practically useless. When such lands are surrounded by lands which are irrigated by water, they will be useless for any kind of cultivation. Dry crops cannot be grown; wet crops will not grow because you have no water. Therefore the lands must lie waste. Under these circumstances, may I ask whether it is just that because certain persons were prepared to sell their rights for Rs. 50 or 60—the number of these people is very small—whether it is just that all the people should be taxed?

"There is another point which I would like to mention. It may be that in introducing this system the Government may happen to spend some money. But the Government should keep in mind that at the time when the ayacut was constructed, money was borrowed at the rate of 3 or 4 per cent.

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4-15 p.m. "To-day, Sir, as it has been pointed out by my hon. Friend to my right, the income from water-cess alone collected in the Kistna district, whether it is from the Kistna delta or Godavari delta, is bringing not less than 20 per cent on the total capital invested on these lands. It will be remembered that originally the tax stood at Rs. 4, and to-day it stands at Rs. 5. One question which has been put to us is : ' Why should you spend the money that has been collected from other districts for the sake of this district ; if you do not collect the money you spend for this district from this district, you will have to meet this expenditure every year from the general revenues ; why for the benefit of the people of Kistna district should any amount of money be spent from the general revenues ? ' The answer to this is very simple, namely, that there is no other district in the whole Presidency which pays as much revenue as the Kistna district to-day, and I wonder whether there is any district in the whole of India which pays as much revenue as the Kistna district, whether it be land revenue or water-cess or abkari revenue."

Mr. S. MUTTAYYA MUDALIYAR :—" Will the hon. Member kindly give us figures so that we may know what they are ? "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Is there any trouble with the Tanjore district because my hon. Friend seems to object when I say that Kistna district pays the largest revenue ? "

Mr. S. MUTTAYYA MUDALIYAR :—" I am not concerned with the Tanjore district at present. I wish to know as a matter of information."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I shall be glad to supply any figures which my hon. Friend requires. I am perfectly certain, I am open to correction if I am wrong, that the total revenue from the Kistna district is the largest in the whole of the Presidency. If you take either land revenue, abkari revenue or the opium revenue, you will find that Kistna district pays the largest amount in the whole of the Presidency. I suppose it is recognized on all hands that the duty which the Government have to discharge is to see that the revenues of the whole Province are pooled together and the finances are spent for the benefit of the whole Province. In order therefore to improve this small ayacut (which after all be it remembered is not great, but only a part and parcel of the existing system) to say that they will take away the supply of water to some lands which are being irrigated under this system at present, that they will allow water to some lands which have been classed as dry, that the latter could only be done by spending some more money, and that therefore the ryots should pay some more premium is, I think, very hard indeed."

" May I hope, Sir, that the hon. Member for Irrigation, who we all know is so very anxious to extend new irrigation works in this Presidency, will give full advantages to the existing ones. For, after all, as things stand at present, you can revise the water-rate and the ryots will refuse to take the supply of water with the result that you will lose the revenues that you are likely to get. On the other hand if you will include these lands in the wet register there will be a consolidated wet rate and the ryots will be bound to pay whether they cultivate the lands or not. If, on the other hand, you include some lands as special and impose a condition that the ryots should not have water on certain occasions, it means so much loss to the Government."

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Therefore, in the interests of the Government making their revenue increase year after year, in the interests of the people who are so very anxious to get water for their lands, and in the interests of increased production and national wealth, I appeal to the hon. Member in charge not to collect this very small amount from the people who will feel it a great hardship indeed. There have been land-tax on most of the lands. I have been myself paying land-tax for the 50 acres of land which I own. No water is supplied to these lands. I have been paying for the last 16 years and the amount comes to about Rs. 50, without getting a pie of income from these lands in the hope that a day might come when the Public Works Department might extend their irrigation system even to my lands. Let me not be understood to say that I am personally interested in this question and that therefore I am pleading so very hard for this question. I am pleading on behalf of the people whom I know personally, and their heart will be cheered if they know that we are bringing water to their lands.

"I know they are undergoing difficulties, although a few of the ryots may be rich. There are thousands of ryots owning 3 acres and 4 acres of lands which are absolutely useless at present and which can be made into what you call the garden—shall I say, garden of golden crops, because when the crops ripe to full they are not green as they used to be in their earlier days but they will be golden crop—and may I say that the hon. Member in charge will ever be remembered as one who has supplied water to the lands of these poor ryots, if he will not prevent the supply of water by imposing this additional burden."

Mr. P. PEDDIRAJU:—"I owe an apology to the House for not having been able to move the motion myself. Sir, I may be permitted to add a few words to what has been said by hon. Friend, Mr. Reddi Nayudu. According to the Settlement Government Order it has been definitely laid down that all lands which have been continuously irrigated for five years shall be classed as wet. Sir, I may be permitted to read that Government Order:

'The Government consider that the decision arrived at by the Committee should be extended to deltaic lands . . . wet cultivation in the settled areas cannot be excluded but will be assessed at the proper consolidated rate. If the dry land should become in the opinion of the Collector unfit for cultivation will be transferred from dry to wet.'

"I submit, Sir, that Government is entirely wrong in issuing this notification for levying a tax of Rs. 12-8-0 on lands which have been continuously irrigated for the last five years. With regard to the lands which have not been continuously irrigated for five years, I submit there are large areas, which though they have not been cultivated for five years, are lands adjoining the Koller lake. The extent of these lands is about 36,000 acres. These lands are excluded from wet; the only reason assigned by the Settlement department being that these lands are liable to submersion and that they are not constantly irrigated, and they are sometimes shifted from land to land and it is not possible to class them as wet as the ryots cannot cultivate them at any time they like.

"Sir, I submit that of these 36,000 acres of lands on which Government is now seeking to impose a penalty of Rs. 25, there are many lands which are not cultivated year after year. Though of all the 36,000 acres only 20,000 or 26,000 acres will be cultivated every year, all of them are marked as wet.

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This is what the Government say 'as cultivation in this source is shifting ;' that is the reason why they are not included as consolidated wet. Now Government come forward and say 'we will consider them as consolidated wet and levy Rs. 25 because you have not cultivated these lands for five years continuously though they were cultivated for a good number of years.'

"Sir, of these 65,000 acres, more than 80 per cent have been under wet cultivation and if my hon. Friends want figures, I may say that the wet area in Gōdāvari Western Delta is 383,000 acres and so long ago as 1911 the area irrigated was 411,000 acres, and in 1913 and 1914 the area irrigated was 415,800 and odd, the present ayacut is fixed at 416,500 acres of which 1,500 acres, waste and dry lands, were assigned to the depressed classes and ex-military officers. The rest are lands which have been cultivated ever since 1911, if not before. Under the circumstances I may submit that it may not be possible for the ryots to cultivate continuously. The reason for non-cultivation of certain lands is that Government have not been able to supply water, or the season might have been bad, or excessive rain might have prevented the ryots from cultivating the lands near Kollerī lake.

"I may also submit that the question of inclusion of these lands came up before Mr. Turing who was Collector. His proposals were to localize the wet area and not to impose any penalty. The District Association waited on him in deputation and he gave out a promise that there need not be any fear and that he would try his best to include as many lands as possible and that there would not be any chance of imposing any penalty. I may also submit that a deputation of the people of our district also waited on His Excellency Lord Willingdon in 1918 when he promised to the ryots that no such levy would be imposed but that the Government would only limit the ayacut. This promise was broken and soon after within two years Mr. Turing submitted his report to the Government that his idea was not to exclude any lands.

4-30 p.m. "Mr. Turing also reported to Government that if year after year we were measuring and re-measuring it would increase the cost and increase the work of the lower officers. The lower officers must get some relief and their work must be made lighter.

"Again it is also said that if the accepted principles of Revenue Administration are to be followed and if water must be supplied it will be limited only to the wet lands. This is Mr. Turing's proposal. Unfortunately, in view of the proposal a special staff was appointed and then this notification came. My hon. Friend the Law Member said that people have agreed to pay these fees. I am informed that all the ryots did not agree to pay Rs. 25 or Rs. 12½. My hon. Friend Mr. Samuel has some lands which are now to be brought under wet cultivation and he agreed to pay Rs. 6-4-0 per acre and not Rs. 25. There are several other instances. I understand that the Collector has recommended a levy of Rs. 6-4-0 on such lands. But somehow Government have come to the conclusion that levy of twenty-five rupees may be imposed on all lands which were not irrigated continuously for five years.

"Then there is another and more important question. All our friends are under the impression that the notification meant only the levy of fees,

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But the conditions attached to the notification are very serious. They impose a joint and several liability on all persons who have got lands in the same block. Joint and several liability is a very difficult thing. I do not know how the Government has imposed this and how it is going to punish many for the fault of one. If a single ryot fails to bring his field under wet cultivation, the Government will convert the wet lands into dry lands. This is the rule that was enunciated in the notification.

"The only principle on which this levy is sought to be collected and which was also raised by Sir Muhammad Habib-ul-lah at the time was that compensation should be paid to those lands which are excluded from wet ayacuts. Such lands would probably extend in area to hundred or hundred and ten acres. These lands will not be excluded since they are small in area, and water will be supplied to them. So, I submit there is no need for paying compensation for excluded lands. Again it is contended that the money must come from the lands which are naturally included. With regard to the cost of remodelling channels, the Collector asked Government to ear-mark the money collected for the improvement of the delta in the Kistna district. Government have not given any promise and they say that the money is their due. Assuming that the Government get ten lakhs and then if this money is not set apart for the improvement of the delta, there is no basis for the Government to collect this revenue.

"One main reason given last time was the cost of the special staff."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I did not stress it."

Mr. P. PEDDIRAJU :—"One thing alone I will say, Sir. The special staff was appointed for the extension of irrigation in the Gōdāvari and Kistna deltas. They spent about a lakh of rupees and sent plans and estimates which were thrown into the waste-paper basket and now again another special staff is appointed at a cost of Rs. 50,000, thus adding to the liability of the people.

"It is laid down that certain lands alone should be given water for dry crops and garden crops. There is one taluk, Harpanahalli taluk, the whole area of which is growing garden crops. There will also be rotation of crops. There is another taluk, Kadri, which alone contains ten thousand acres; and they are planting all kinds of vegetables such as brinjals, chillies, etc. If Government is going to supply only 1,300 acres with water, what will become of this taluk? This notification which imposes such liability is very hard.

"Another thing is that the people won't raise garden crops unless Government compels them. Government charges Rs. 25 and levies water-cess. It will be impossible to raise garden crops every year. When there are such difficulties in the way of garden crops the ryots will convert their land into wet land by paying enhanced water-cess. Garden crops sometimes pay Rs. 2-8-0 and sometimes Rs. 10. I do not know whether they are to be charged Rs. 5 on the average or Rs. 2-8-0 or Rs. 10 as the season permits. Supposing he does not cultivate I do not know whether the Government is going to collect water-cess or not.

"These are some of the difficulties which are expected by the ryots when the notification was published. It is very hard to administer. I ask the hon. the Law Member to consider all these and cancel the notification.

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"One other point is that in one taluk of Narasapur 75 per cent of the lands is under patch irrigation. They are such small bits as 6 cents, 10 cents, 1 acre 30 cents, and utmost 2 acres. In such cases the notification would work to the detriment of the people. With these few words I support the Resolution."

Mr. P. L. MOORE:—"Sir, as an old Collector of Kistna it is a great pleasure to me to have to hear the speeches of three of my Kistna friends. Unfortunately it is now my duty to endeavour to controvert their arguments. My hon. Friend, Mr. Samuel, stated that many of the lands which are being included are lands of poor quality and absolutely useless except for wet cultivation. That is perfectly true not of all the lands but of many of the lands. Unfortunately he did not, I think, see the real result of his arguments. If Government are presenting water to render land valuable which is at present without value, in my opinion that particular land is benefited proportionately more than any other land receiving water for the first time.

"The next point he made was the strenuous nature of the conditions of inclusion. As I pointed out yesterday in another connexion conditions drawn up to suit all cases must be strenuous things. What matters really is the way in which those conditions are worked. Now in the case of the conditions on inclusion Government propose to include a certain block, say, 100 acres in extent. In the centre of that block a certain ryot owns a small plot of half an acre. All the other ryots gladly accept the water. On the other hand he says: 'No, thank you, I do not want water' knowing perfectly well that he will wake up one morning and find his land entirely surrounded by water and that he will get it anyhow. It is obvious that Government had to make a condition that when a block is included all lands in the block must come in. I cannot say exactly how these conditions will be worked, because it is over three years since I had any detailed knowledge of the district. But I do not mind betting, although I am not in the habit of betting, that there has probably not been a single case in which the block has had to be excluded because one or more ryots would not accept the conditions.

"Then we come to the argument of Sir K. V. Reddi Nayudu. He has given it as his opinion that the inclusion fee may be described as illegal. I can only say that it was never contended that it was legal in the sense of being provided for by a Statute. The view I took of it as Collector and the view which, I believe, the Government have always taken of it, is that it is an offer made and accepted, thus becoming a contract. It is in fact a betterment fee."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, I have to make a personal explanation. What I was thinking of when I said that was that the Government have no legal claim to collect a fee. They have only a right to levy a water-cess. My argument was based on the decision of the Privy Council on the first Indian appeal which laid down the rule that it is a national system of irrigation that the Government in this country have been working and that that system imposed upon the Government the liability to extend irrigation. And, in doing so, the power they have got is only the one that is given under the Act. The duty of extending irrigation is upon them and the only charge they can make is to impose a water-cess. How can they come in and say that the Government, like any other man, have entered into

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a contract? My point was that it is not a question of contract. It is the legal obligation of the State to extend the irrigation system in the country and in doing so, they are bound by the Statutes."

Mr. P. PEDDIRAJU :—" May I also point out that by the originally constructed scheme it was intended to irrigate a million acres? That was the original proposal and much capital expenditure has been incurred on that score."

Mr. P. L. MOORE :—" With regard to the question whether Kistna is a rich or poor district, I really do not think I need take up the time of the House. I can only say that if, in my opinion, the average ryot in the wet taluks of Kistna were asked to change his lot to that of the ryot in any other district, there is no doubt whatever what his answer would be.

" Then, Sir, a great deal has been made of the fact that it was not fair to justify the levy of the inclusion fee by the moneys spent on the special staff and on the re-modelling of the channels. I quite admit that that is so. When I discussed the matter with the ryots in the Kistna district, I did not mention these facts as the justification for the fee, but merely mentioned them as facts which go to show them generally as to how matters stand and to show them that Government have been spending a lot of money on the district and that in their opinion this fee which they are charging for the inestimable benefit of the delta water is a perfectly reasonable fee. The real justification of the charge is the fact that it is not only the right of the Government but it is also their duty to the other districts of the Presidency that when they have incurred enormous expenditure on such a project as the Kistna anicut and irrigation works, a reasonable return is made on their money. That is the position of the Government. They must look into the thing not from the point of view only of the district benefited, but of the whole Presidency.

" The hon. the Law Member has made a promise that if instances are brought to the notice of Government in which the inclusion of a small portion of land is inequitable, he will see that the case is gone into on its merits. I have already made a bet and now I am prepared to make a prophecy. My prophecy is that in hardly any case, probably in no case at all, will it be necessary for him to carry out this promise by the exclusion of the land which Government have at present proposed to include. I think the Kistna ryot is too well aware of the value of the delta water to allow his land to go without it when he can get it. What struck me very forcibly in Kistna was the amount of trouble and labour that a ryot was prepared to undergo readily and willingly in order to make his land fit for receiving the water whether by altering the level or otherwise. "

Mr. K. SARVARAYUDU :—" I do not know why this inclusion fee is proposed to be levied and on what basis it is so proposed. It is true that the Government have incurred out of State funds the expenditure necessary for the construction of the project. But they are getting a profit of 20 to 25 per cent on the capital invested. If they want anything for their localisation operations they should spend out of the above savings. The notification says that compensation has to be paid to persons whose lands have been excluded from the wet ayacut. There is no necessity for paying them any compensation

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(b) if the Government are willing, how many in each case, in what localities of Nellore district and when?

A.—(a) & (b) It is proposed to post a touring Veterinary Assistant Surgeon to Gudur in 1924-25 and, if funds permit, to open a Veterinary dispensary at Kavali in 1925-26.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ In view of the answer given in the latter part, may I ask the Minister for Development to be pleased to consider the desirability of starting it in as many centres as possible ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I shall be quite prepared to do so to the extent to which present funds permit. But if more funds are available, I shall only be too glad to comply with the request.”

Listed Posts.

399 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. 12-30 p.m. the Member for Finance be pleased to state—

(a) the date from which the listed post of Settlement Secretary to the Board of Revenue was abolished ;

(b) whether any other post has been listed in its stead for officers of the Madras Provincial Civil Service and, if so, what post and from what date ; and

(c) whether the post of Secretary to the Government of India in the Law or any other department is included in the posts listed for the Madras Provincial Civil Service, and if so, from what date ?

A.—(a) The post in question was abolished with effect from the 24th February 1922.

(b) The matter is under reference to the Government of India.

(c) No posts in the Government of India are listed for the Madras Civil Service.

Listed Posts.

400 Q.—MR. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Finance be pleased to state whether orders have been received from the Secretary of State for India that there should be no reduction of the number of listed posts in the Presidency ?

A.—The hon. Member apparently has in mind the Resolution of the Government of India, Home Department No. 2559, dated 1st December 1920, paragraph 9 of which runs as follows :—

“ *Promotion from the Provincial Service.*—The Commission recommended some reduction in the number of ‘ listed ’ posts, but the Government of India have decided not to reduce the chances of promotion open to officers of the Provincial Service until they are in a position to appreciate more accurately than is possible at present the effect of the rules now framed regarding direct recruitment to the Indian Civil Service in India.”

No further orders on the subject have been received.